



Docket No.: LDP-8080 C

COMBINED DECLARATION AND POWER OF ATTORNEY  
IN C-I-P APPLICATION

As a below named inventor, I hereby declare that: my post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS FOR CREATING THERAPEUTIC CHARGE TRANSFER  
IN TISSUE

described and claimed in the specification bearing that title; that this application in part discloses and claims subject matter disclosed in my earlier filed application No. 10/035,854, filed November 9, 2001; that I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56; that, as to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application under 37 C.F.R. 1.56(a); and that no application for patent or inventor's certificate of this invention has been filed earlier than the following in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns:

NONE

that, as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose to the Office all information as defined in 37 C.F.R. §1.56 known to me to be material to patentability of this application of which I am aware or became aware between the filing date of the prior application and the filing date of the continuation-in-part application under 37 CFR 1.56(a); that I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the declaration and that

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Page 2 of 4 (IP Declaration)

no application for patent or inventor's certificate on said invention has been filed by me or my representatives or assigns in any country foreign to the United States of America, except as follows:

NONE

I hereby appoint practitioners associated with the Customer Number:

**24131**

(Lerner and Greenberg, P.A.)

as my attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Address all correspondence and telephone calls to:

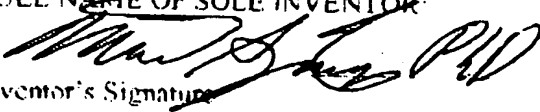
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Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney and this petition

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF SOLE INVENTOR:

MICHAEL SPIEGEL

Inventor's Signature: Date: March 12, 2004 Residence:

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